

**BEHAVIORAL HEALTH AND HUMAN SERVICES LICENSING BOARD**

**MINUTES**

**FEBRUARY 22, 2021**

**I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM**

Mr. Richardson called the meeting to order at 8:15 a.m. through virtual video and audio conferencing and declared a quorum in accordance with Indiana Code § 15-5-1.1-6(c).

**Board Members Present:**

Kimble Richardson, MS, LMHC, LCSW, LMFT, LCAC, MHC, Board Chair  
George Brenner, MS, LCSW, LMFT, LCAC, Vice Chair  
Stephan Viehweg, MSW, LCSW  
Andrew Harner, MSW, LCSW, Board Chair, SW Section Chair, Board Designee  
Kelley Gardner, LMFT  
Elizabeth Cunningham, D.O., Psychiatric Physician Member  
Jacqueline Eitel, RN, Consumer Member

**Board Members Not Present:**

Rex Stockton, Ed. D., LMHC, LCSW, LMFT

**State Officials Present:**

Cindy Vaught, Board Director, Professional Licensing Agency  
Dana Brooks, Assistant Board Director, Professional Licensing Agency  
Adam Harvey, Deputy Attorney General, Office of the Attorney General

**II. ADOPTION OF AGENDA**

A motion was made and seconded to adopt the agenda as amended.

Brenner/Viehweg  
Motion carried 7-0-0

**III. APPROVAL OF MINUTES**

There were no minutes for review.

**IV. ADMINISTRATIVE HEARINGS**

There were no administrative hearings.

**V. PROPOSED SETTLEMENT AGREEMENT**

**PROPOSED SETTLEMENT AGREEMENT**

**A. Scott H. Peterson, LMHC, License No. 39001409A**

**Cause No. 2020 BHSB 0009**

**Parties Present:**

Respondent was not present

Nick Hart, Deputy Attorney General, Office of the Attorney General

Margie Addington, Court Reporter, Accurate Court Reporting

**Participating Board Members:**

Mr. Richardson, LMHC (Hearing Officer)

Mr. Viehweg, LSW

Mr. Brenner, LCAC

Mr. Harner, LCSW

Mr. Gardner, LMFT

Jacqueline Eitel, RN, Consumer Member

Elizabeth Cunningham, D.O., Psychiatric Physician Member

**Case Summary:** On or about February 19, 2020, an Administrative Complaint was filed against Mr. Peterson with allegations of fraud and material deception in order to obtain a license to practice. On or about February 17, 2021, a Proposed Settlement Agreement was filed with the Board with the following stipulations:

- Mr. Peterson's license will be placed on Indefinite Probation for a minimum of one (1) year with the following terms:
  - Keep the Board updated on home address, mailing address, email address, residential telephone number, and to notify the Board within 7 days of any changes to that information.
  - Keep the Board updated on place of employment, employment telephone number, employment email, and name of supervisor. Must notify the Board within 7 days of any changes such as termination or suspension.
  - Must provide a copy of the Board's Order to his employer, and his employer must sign and return a copy of the Order with employer letterhead and/or business card attached within 7 days of employment. Should Mr. Peterson's employment change, he shall have to submit a new signed order with his new employer information within 7 days of commencing employment with new employer.
  - Mr. Peterson must provide quarterly supervisory reports from all employers within his practice as a mental health counselor covering his work performance, attendance, documentation, communication skills, disciplinary actions, and/or any complaints filed against Mr. Peterson. His employer reports must be completed by a professional licensed by the Board.
  - Must appear quarterly before the Board during the terms of his probation to update the Board on his current status.

- Must complete twenty (20) additional Category I continuing education units in the topics of ethics and/or assessment and submit proof of completion to the Board.
- Prior to the withdrawal of the Probation status, Mr. Peterson must complete a fitness for duty evaluation from a Health Service Provider in Psychology (HSPP) and submit the results to the Board.
- Within thirty (30) days of the Final Order, must provide a fee of \$5.00 to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund.

The State recommends that the Board accept the Proposed Settlement Agreement.

**Board Action:** A motion was made and seconded to accept the Proposed Settlement Agreement as read in the matter of Mr. Peterson.

Brenner/Viehweg  
Motion carried 7-0-0

## VI. PERSONAL APPEARANCES

### A. Probation

1. **Erin Clarey, LCSW, License No. 34008591A**  
Cause No. 2019 BHSB 0010

Ms. Clarey appeared as requested to discuss her ongoing probation that was initially placed on July 31, 2019. She submitted information to the Board showing that her criminal probation has been completed per the Florida court system. She informed the Board that she has completed all terms of her Tennessee Licensing Board probation, and the Tennessee Board has taken her off probation status pending final completion of documentation. She stated that she has a pending job offer from Adult and Child Mental Health Center, and she has not had any employment since she last worked at her job at Transitions. She stated that she is currently in treatment with a therapist she sees on average two to three times a month. She also informed the Board that she attends AA meetings, and she has not consumed alcohol since September 30, 2020.

2. **Samantha Habbinga LSW, License No. 33008889A**  
Cause No. 2020 BHSB 0010

Ms. Habbinga appeared as requested to discuss her ongoing probation that was initially placed on November 9, 2020. She has submitted 14.75 hours of continuing education in the area of child abuse assessment. The Board inquired what she has learned from her courses, and Ms. Habbinga stated that the information showed her how to follow up on information presented, what types of questions to ask when with a client, and how to not assume information about a client. She stated that the courses helped her work on her perception of events. She stated that she was interested in looking into continued education courses that cover other mental health prevention techniques with suicide prevention as one example. She stated that her current supervisor meets with her individually through

virtual means and they review cases, the ethics surrounding each case, and company policies or procedures. The Board requested that her supervisor go over more child abuse case supervision cases with her. The Board also noted that while her employer did give her a good report, they would like to see more detail on the general topics being discussed.

3. **David Moore, LCSW, License No. 34007612A**  
Cause No. 2016 BHSB 0015

Mr. Moore appeared as requested to discuss his probation that was initially placed on his LCSW license April 24, 2016. Mr. Moore indicated that he is moving to Michigan soon and would like to have his license back to active status prior to his move. He stated that he is currently employed at Structural Steel Services doing construction work and is not currently engaged in a clinical position. Mr. Moore indicated that that he is still seeing his therapist and he has completed all required continuing education units for his license. The Board inquired if he is struggling to find work in the Social Work field. Mr. Moore indicated that he did have an interview in November but was told that an offer would wait until he met with the Board and determined if he could request to withdraw probation. Mr. Moore indicated that since he now intends to move to Michigan, that offer has been withdrawn. The Board indicated that Mr. Moore could formally request to withdraw probation but cautioned him that he has not been performing work in a clinical capacity, and per his Order he must show that he has worked in a clinical setting. Mr. Moore stated that he did work in a clinical setting for two (2) years from 2016 to 2018 before he was placed on probation status. The Board noted that they have received his request to withdraw probation, and he is in process to be scheduled to appear for a hearing regarding the withdraw of his probation status. The Board advised Mr. Moore to review his Order as he must show proof that he has met all requirements addressed.

4. **Mark Smith, LCSW, License No. 34001845A**  
Cause No. 2016 BHSB 0029

Mr. Smith appeared as requested to discuss his probation that was initially placed on January 11, 2018. Mr. Smith indicated that he is working at Family Tree Counseling Associates and is being supervised by Dr. Brian Grant. The Board inquired what type of cases Dr. Grant reviews with him. Mr. Smith stated that he and Dr. Grant go over their contract cases and discuss the professional relationships between the therapist and the client. Mr. Smith indicated that the supervision is being conducted via zoom at this time. The Board reviewed Dr. Grant's report. The Board requested that his report needed more insight on the topics discussed and requested that future reports have more details on the different topics.

5. **Nathan Smith, LSW, LCSW, License No. 33007819A & 34008759A**  
Cause No. 2019 BHSB 0005

Mr. Smith appeared as requested to discuss his probation that was initially placed on August 30, 2019. Mr. Smith last appeared before the Board in 2019 and has not been able to appear before the Board for his required appearances due to COVID delays. Mr. Smith submitted completed CE certificates from 2018 to 2019 and showed proof that he has

reviewed Dr. Reimer's book regarding professional relationships. He is currently employed at the Jane Pauley Health Center; however, he has encountered problems with submitting payments. The Board noted that the submitted ethics course he provided covers HIPPA violations and asked for clarification if it was for his probation terms or his license renewal. Mr. Smith indicated it was for his probation terms. Currently, Mr. Smith has submitted 7.5 hours of CE for his probation terms with 4.5 hours in the area of ethics. Mr. Smith indicated he has completed his substance abuse evaluation and is sending it to the Board.

**6. Jenna Thomas, LCSW, License No. 34002496A**  
Cause No. 2016 BHSB 0009

Ms. Thomas appeared as requested to discuss her ongoing probation that was initially placed on May 1, 2019. Ms. Thomas submitted a letter of explanation and has completed 24 hours of her continuing education. In Ms. Thomas' letter of explanation, she disputed what was determined in the Final Order as to the Findings of Fact for the incident. Ms. Thomas stated due to her probationary status, she is not employable and that the National Practitioner Data Bank (Federal entity that all disciplinary actions are reported) states that she helped someone for financial gain. She indicated that no one would hire her due to her probation status and reason for the status. Ms. Thomas attested that she did not agree to the settlement but acknowledges that she is on probation status. The Board informed her that she did attend an Administrative Hearing regarding her incident, and that a Settlement Agreement was reached. The Board stated that she and the Board now have to follow that Agreement. Ms. Thomas stated she understood that, but she is to complete part of the term however she is not able to complete all requirements. The Board advised her to consult with an attorney if she is not understanding her probation terms.

**7. Melissa Truax, LCSW, LCAC, License No. 34005276A & 87000532A**  
Cause No. 2020 BHSB 0014

Ms. Truax appeared as requested to discuss her probation that was initially placed on August 10, 2020. Ms. Truax informed the Board that she is still attending her therapy with Dr. Rodenzer once every two weeks. She informed the Board that her doctor reviews her medication intake and makes adjustments as needed. Currently she is taking 600 mg of gabapentin 4 times a day, Remeron for sleep, 150 mg of lithium two times a day, propranolol once a morning that she is being weaned off of, and 120 mg of Latuda that she is being weaned off. She describes herself as stable, and her psychiatrist does blood monitoring to ensure that she is doing ok. The Board asked about her criminal probation, and Ms. Truax stated that she completed one in October 2020 and another in November 2020. Currently, she is off all of her county criminal probation. She indicated that she is currently employed at Buckingham and Associates which is a private group practice. She informed the Board that she would like to work more client hours, but due to her probation status, insurance companies will not bill under her license. Ms. Truax stated that the criminal charges in Hamilton County never required her to complete a criminal probation, only jail time. The Tippecanoe County required her to complete an informal probation and she was only required to get a judge's signature to lift the criminal probation which she has not been able to obtain yet. The Board stated they will need documentation that the Tippecanoe

probation was complete before she can request to come off probation. The Board stated that once she has met all requirements, she may request to withdraw probation. Ms. Truax may want to include any supplemental documentation from her psychiatrist and therapist.

**B. Examination Attempts**

**1. Kimberly Hearon (LCSW)**

Ms. Hearon appeared as requested to discuss her request for approval to take the ASWB Clinical exam for the 12<sup>th</sup> time. Ms. Hearon stated that her last attempt to take the exam was her highest exam so far. She informed the Board that she struggles to pace herself when taking the exam and then she often second guesses herself. She has taken additional courses through the NASW, along with courses from Dr. Linton. She currently does not hold an LSW license.

**Board Action:** A motion was made and seconded to approve Ms. Hearon's application to sit for the ASWB Clinical Exam.

Viehweg/Brenner  
Motion carried 7-0-0 (Harner not present)

**2. Natasha Jackson (LSW)**

Ms. Jackson appeared as requested to discuss her request to take the ASWB Master's exam for the 4<sup>th</sup> time. Ms. Jackson stated that she has reduced her case load so she may focus more on self-care and study time so she can pass her exam. She indicated that she was participating in workshops and joined study groups on Facebook to help prepare her for her next attempt.

**Board Action:** A motion was made and seconded to approve Ms. Jackson's application to sit for the ASWB Master's Exam for the 4<sup>th</sup> time.

Viehweg/Brenner  
Motion carried 7-0-0 (Harner not present)

**3. Veronica Martin (LMHC)**

Ms. Martin appeared as requested to discuss her request to take the NCMHCE exam for the 4<sup>th</sup> time. Ms. Martin stated that she had a number of medical procedures the past few years that have made passing the exam difficult. She indicated that during her last approval, she felt pressured by her employer to take the exam before she was ready. She has completed online counseling training and attended tutoring. She is now in a study group on Facebook and feels she will do better as she could not complete the exam on her last attempt.

**Board Action:** A motion was made and seconded to approve Ms. Martin's application to sit for the NBCC NCMHCE exam for the 4<sup>th</sup> time.

Stockton/Brenner  
Motion carried 7-0-0 (Harner not present)

4. **Shee-na Mbanza (LSW)**

Ms. Mbanza appeared as requested to discuss her request to sit for the ASWB Master's exam for the 8<sup>th</sup> time. Ms. Mbanza stated that she has obtained a tutor, and is trying to take the exam quicker, as previously she would wait a longer period of time between exam attempts. She stated that she has also joined a Facebook study group to help prepare her for the exam.

**Board Action:** A motion was made and seconded to approve Ms. Mbanza's application to sit for the ASWB Master's Exam.

Viehweg/Stockton  
Motion carried 7-0-0 (Harner not present)

5. **Theodore Swanson (LMHC)**

Mr. Swanson appeared as requested to discuss his request to take the NCMHCE exam for the 4<sup>th</sup> time. Mr. Swanson stated that he has tried a different method to prepare for each exam attempt, but he struggles to study due to his employment responsibilities. He stated that he is no longer employed at the same place, so he can now devote more time to studying. He has joined a workshop and is employing relaxation techniques to help him review his mistakes with past attempts.

**Board Action:** A motion was made and seconded to approve Mr. Swanson's application to sit for the NBCC NCMHCE exam for the 4<sup>th</sup> time.

Stockton/Brenner  
Motion carried 7-0-0 (Harner not present)

6. **Laura White (LMHC)**

Ms. White appeared per her request for a 90-day waiver of the wait between exam approvals. Ms. White stated that she had failed her exam by three points in the Decision Making section of the exam, and she would like to get approval to take the exam again before her temporary permit expires. She stated that she currently is working at Parkview and deals with developmental pediatrics.

**Board Action:** A motion was made and seconded to approve Ms. White her request for waiver of the 90 days wait between exam approvals.

Stockton/Viehweg  
Motion carried 6-0-0 (Eitel and Gardner not present)

C. **Reinstatement**

**1. Kimberly Bimber, LMHC, License No. 39001062A**

Ms. Bimber did not appear as requested.

**2. Carl Clayton, LSW, License No. 33004026A**

Mr. Clayton did not appear as requested.

**3. Ja’Nee Martin, LCAC., License No. 87001054A**

Ms. Martin appeared as requested to discuss the reinstatement of her license that expired in 2016. Ms. Martin stated that she let her license expire as she was working full time as a student and was a stay-at-home mother. She also informed the Board that she had also moved out of the State at that time and did not anticipate needing the license. She submitted 14 hours of completed continuing education and would like the Board to accept the hours she completed as part of her doctoral program to meet the requirements for the remaining continuing education requirements.

**Board Action:** A motion was made and seconded to accept Ms. Martin’s doctoral training for the remaining CE requirements and approve her reinstatement pending passing of the jurisprudence examination.

Brenner/Viehweg  
Motion carried 6-0-0 (Eitel and Gardner not present.)

**D. Application**

**1. Antonia Grimolizzi-Jensen (LCSW)**

Ms. Grimolizzi-Jensen appeared per her request to discuss with the Board acceptance of the ASWB Advanced Generalist exam for her application by reciprocity to become a LCSW. Ms. Grimolizzi-Jensen stated that she holds an independent license in Ohio, and she intends to move to the State of Indiana to be closer to family. She informed the Board that her intention is to practice tele-counseling in order to have continuous care with her Ohio clients. The Board noted that she does meet the experience requirement for licensure, but she does not meet the exam requirement per statute, as the Board does not consider the ASWB Advanced Generalist exam equivalent to the ASWB Clinical Exam.

**Board Action:** A motion was made and seconded to approve Ms. Grimolizzi-Jensen’s application to sit for the ASWB Clinical Examination.

Brenner/Viehweg  
Motion carried 6-0-0 (Eitel and Gardner not present)

**2. Jena Henson (LMHCA)**

Ms. Henson did not appear as requested.

### 3. Tekona Henry (LSW)

Ms. Henry appeared as requested to discuss her yes response to question number four (4) “Except for minor violations of traffic laws resulting in fines, and arrests or convictions that have been expunged by a court, have you ever been arrested; have you ever entered into a prosecutorial diversion or deferment agreement regarding any offense, misdemeanor, or felony in any state; have you ever been convicted of any offense, misdemeanor, or felony in any state; have you ever pled guilty to any offense, misdemeanor, or felony in any state; or have you ever pled nolo contendere to any offense, misdemeanor, or felony in any state?” Ms. Henry stated that she had an OWI in 2007 and not in 2017. Her statement had the incorrect date. Ms. Henry was pulled over for throwing a cigarette out the window, and when breathalyzed was found to have an ACE of .08. She had been placed on criminal probation, which she did admit she violated, when she was requested to do a random drug screen and found to be under the influence of marijuana. Since that time, she has completed all terms as outlined by the court, and she no longer consumes alcohol or smoke marijuana.

**Board Action:** A motion was made and seconded to approve Ms. Henry’s application to sit for the ASWB Master’s Examination.

Brenner/Viehweg  
Motion carried 6-0-0 (Eitel and Gardner not present)

### 4. Perry Hudson (LCSW)

Mr. Hudson did not appear as requested.

### 5. Joy Ison (LSW)

Ms. Ison appeared as requested to discuss her yes response to question number four (4) “Except for minor violations of traffic laws resulting in fines, and arrests or convictions that have been expunged by a court, have you ever been arrested; have you ever entered into a prosecutorial diversion or deferment agreement regarding any offense, misdemeanor, or felony in any state; have you ever been convicted of any offense, misdemeanor, or felony in any state; have you ever pled guilty to any offense, misdemeanor, or felony in any state; or have you ever pled nolo contendere to any offense, misdemeanor, or felony in any state?” Ms. Ison was charged with the suspicion of drunk driving in 2018. But based upon the evidence the charges were dismissed in 2019. Documentation to the arrest and dismissal were submitted for review. Ms. Ison stated that at the time of the incident she was using poor judgement which caused her to reevaluate her choices.

**Board Action:** A motion was made and seconded to approve Ms. Ison’s application to sit for the ASWB Masters Examination.

Harner/Viehweg  
Motion carried 6-0-0 (Eitel and Gardner not present.)

**6. Jaynelle Kenney (LCSW)**

Ms. Kenney appeared as requested to discuss why she did not respond yes on her application. Ms. Kenney informed the Board that the case resulted in judgement withheld. She has been licensed in other states previously without this incident being addressed. Based upon this she did not think it needed to be disclosed. She informed the Board that it was not her intention to deceive the Board; however, back in 2013 she had taken some sleeping medication and fell asleep in her car. She had been charged with a DUI and was required to complete victims panel courses per the requirement of the court. She stated that she never drinks and has stopped taking that medication since the incident. She is aware she could have done a lot of damage. She no longer drives while taking medication due to the incident.

**Board Action:** A motion was made and seconded to approve Ms. Kennedy's application pending completion of the jurisprudence examination.

Harner/Viehweg  
Motion carried 6-0-0 (Eitel and Gardner not present.)

**7. Aaron King (LSW)**

Mr. King did not appear as requested.

**8. Whitney Lindsay (LMHCA)**

Mr. Lindsay did not appear as requested.

**9. Bobbi Silva (LSW)**

Ms. Silva appeared as requested to discuss why she did not say yes on her application. Ms. Silva stated that she had been arrested in 1996 but thought the incident was expunged from her record. She stated that it was her understanding that the if a case was dismissed, then that meant it was removed from her record. She continued to say that it was not her intention to deceive the Board, and she has had no other charges since that domestic incident in 1996. Ms. Silva stated that going through that experience allowed her to see how domestic cases are handled and reviewed. Ms. Silva stated that she is currently working at a facility for DCS.

**Board Action:** A motion was made and seconded to approve Ms. Silva's application to sit for her ASWB Masters Exam.

Harner/Viehweg  
Motion carried 7-0-0 (Gardner not present.)

**10. Amy Surface (LMHCA)**

Ms. Surface appeared as requested to discuss why she did not say yes on her application. Ms. Surface stated that she had a battery charge against her in 2003. She stated that she was not arrested, and she had only found out about the record when she received notice of her missing a court date. She stated that at the time, she had a dispute with her then boyfriend regarding moving forward with her pregnancy. In the aftermath of the discussion, she had poured coffee on him. She informed the Board that she knows that she should not have done that, and it was not her intention to deceive the Board. Since the incident she has kept distance from him, and she has no other issues with other individuals.

**Board Action:** A motion was made to approve Ms. Surface's response, and her approval will spend until the Section Chair reviews education criteria.

Brenner/Harner  
Motion carried 7-0-0 (Gardner not present)

### **11. Asra Syed (LMFT)**

Ms. Syed appeared per her request to obtain approval to take the AAMFTRB. Ms. Syed requested to appear in order for the Board to review her documents for approval to take the examination. After review by Mr. Gardner, her education was approved.

Board Action: A motion was made and seconded to approve Ms. Syed's application to sit for the AAMFTRN examination.

Kelley/Harner  
Motion carried 7-0-0 (Cunningham not present)

## **VII. DISCUSSION**

### **1. ASWB Association Update**

The ASWB will be having their annual education conference online this year, with the topics covering COVID and racial inclusivity. There have been a number of calls to the Association with discussion on the licensing process and the stresses of the job.

Currently SB82 has passed allowing Clinical licenses issued by the Behavior Health Board to diagnosis. The Bill is heading to the House for next steps.

APA therapists would like to have their own licenses, which currently there is no license specifically for them. The Applied Behavior Analysts are now a new license that will be under the Medical Board.

The Board discussed the process when applicants are requesting approval for their twelfth attempt or more. The Board is still taking those applicants on a case-by-case review.

## **VIII. APPLICATIONS FOR REVIEW**

There were no applications for review.

**IX. REPORT FROM THE OFFICE OF THE ATTORNEY GENERAL**

The Attorney General’s office reported to the Board that they have 92 open complaints. The average age of the open complaints is 7.8 months. There are currently 7 open litigation cases which are no older than 10 months.

**X. FORMAL ADOPTION OF APPLICATION REVIEWS**

A motion was made and seconded to formally adopt the application reviews.

**Board Action:** A motion was made and seconded to accept application reviews.

Brenner/Viehweg  
Motion carried 7-0-0 (Eitel not present)

**XI. CONTINUING EDUCATION SPONSOR APPLICATION REVIEW**

There were no continuing education applications for review.

**XII. OLD/NEW BUSINESS**

There was no old/new business to discuss.

**XIII. ADMINISTRATORS’ REPORT**

There was no administrator’s report.

**XIV. ADJOURNMENT**

There being no further business, and having completed its duties, the meeting of the Behavioral Health and Human Services Licensing Board adjourned at 1:15 p.m. by general consensus.

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Kimble Richardson, MS, LMHC, LCSW,  
LMFT, LCAC, MHC  
Chair

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Date